

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JASON ROMERO,

Plaintiff,

v.

STATE OF WASHINGTON, *et al.*,

Defendants.

Case No. C20-1027-TL-MLP

ORDER GRANTING IN PART  
DEFENDANTS' SECOND MOTION  
TO CONTINUE PRETRIAL  
DEADLINES

On November 23, 2020, this Court entered an Order establishing a pretrial schedule for this action. (Dkt. # 17.) Subsequently, on July 21, 2021, the Court granted Defendants' motion to continue the pretrial deadlines then remaining for a period of four months because of a serious medical emergency suffered by Defendants' counsel. (*See* dkt. ## 22-23, 27.) On December 21, 2021, Defendants filed a second motion to continue pretrial deadlines in which they request a two-month extension of the deadlines because of a lockdown at the facility where Plaintiff is housed that they claim has hampered the parties' ability to resolve this matter. (Dkt. # 34.) Defendants explain that mediation had been scheduled in this matter for December 9, 2021, but a surge in COVID-19 cases among inmates at the Twin Rivers Unit ("TRU") of the Monroe

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1 Correctional Complex (“MCC”) rendered the facility unable to safely accommodate the parties’  
2 request to have Plaintiff participate in mediation via Zoom or telephonically. (Dkt. ## 35 at  
3 ¶¶ 3-4, 36 at ¶ 4.) At the time the motion was filed, it was unknown when the lockdown would  
4 end. (Dkt. # 36 at ¶ 5.)

5 Plaintiff opposes the requested continuance, arguing that the lockdown affects only the  
6 rescheduling of the December 2021 mediation and that Defendants have not shown good cause  
7 for extending the other deadlines, some of which have already passed. (*See* dkt. # 37 at 1-2.)  
8 Plaintiff’s counsel represents that since the cancellation of the mediation in early December, he  
9 has been able to communicate with Plaintiff and with other inmates housed at the TRU, and he  
10 questions why the matter cannot be immediately set for mediation with Plaintiff appearing via  
11 Zoom or telephone. (Dkt. # 37-1 at ¶¶ 4, 6.)

12 Defendants, in their reply brief, indicate that the lockdown status, which was  
13 subsequently transitioned to “outbreak status,” was lifted on the afternoon of January 6, 2022,  
14 and that TRU staff have confirmed they will now be able to accommodate Plaintiff’s  
15 participation in mediation. (Dkt. # 38 at 1-2.) Defendants also indicate that attempts to  
16 re-schedule the mediation are ongoing. (*Id.* at 2.) Defendants still request, however, that the  
17 remaining pretrial deadlines be continued for a month. (*Id.* at 1.) According to Defendants, the  
18 previously scheduled mediation was timed so as to give the parties an opportunity to mediate the  
19 case before having to prepare dispositive motions, and additional time is still necessary given the  
20 time lost while TRU was on lockdown/outbreak status. (*Id.* at 1-2).

21 At the time Defendants filed their current motion to continue pretrial deadlines, only the  
22 discovery deadline (December 28, 2021), the dispositive motion filing deadline (January 27,

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2022), and the mediation deadline (March 28, 2022), remained pending. (*See* dkt. # 27.) Defendants do not explain in their motion what, if any, discovery they anticipated conducting in the short time remaining before the discovery window closed, and the Court therefore concludes that Defendants have not shown good cause to continue that deadline. However, the Court is persuaded that good cause does exist to continue the dispositive motion filing deadline for one month in light of the impact of the COVID-19 surge at the TRU on the parties' attempts to resolve the case through mediation. The Court deems it unnecessary to continue the mediation deadline given that the parties are currently in the process of scheduling such mediation and that they apparently intend to complete mediation before dispositive motions are due.

Based on the foregoing, Defendants' second motion to continue the pretrial deadlines (dkt. # 34) is GRANTED in part. The dispositive motion filing deadline is extended to **February 28, 2022**. All other previously established deadlines remain the same.

DATED this 13th day of January, 2022.



MICHELLE L. PETERSON  
United States Magistrate Judge

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